



Serving on a Winooski Board or Commission

I. Introduction

Serving on a Winooski board or commission is an excellent way to get involved in the public process. These volunteer positions offer many opportunities to provide your expertise as an engaged community member and help make important community decisions on a monthly basis. The City has a number of Board and Commissions to serve on:

Charter Commission
Finance Commission
Housing Commission
Municipal Infrastructure Commission
Safe, Healthy, Connected People Commission
Planning Commission
Development Review Board

You can find each of the individual board/commission pages by clicking here:
<https://www.winooski.vt.gov/181/Boards-and-Commissions>

II. FAQ

1. What is the role of a board or commission?

The City Council charges boards and commissions to provide input, feedback and recommendations on specific policies in their area of focus. A member of a staff and a Councilor support the group in their work.

The Planning Commission and Development Review Board responsibilities are outlined in the City Charter and in State Statute.

2. What is the time commitment required to serve on a board or commission?

Each board and commission varies in schedule. Most meet once a month, more if needed or required by Charter. Meetings are usually held at 6:30 PM (weekdays at Winooski City Hall) and last an hour at minimum. Members will need to give themselves an appropriate amount of time to review meeting agendas and materials beforehand. Occasionally, public outreach events require the attendance of board and commissions as a whole.

3. How long is a term of service?



Members serve in 2-year capacities and are approved by City Council. Reappointments are possible after your 2-year term.

4. What types of positions are there?

***Chair** - The Chair is responsible for working with the Council and staff liaisons to prepare an agenda for each meeting, assuring a quorum will be present at each meeting, setting an annual workplan, and presiding over each meeting.

***Vice Chair** - The Vice Chair shall act as Chair in his/her absence and shall become Acting Chair should the Chair resign.

***Secretary** - The Secretary shall assure that minutes are taken at each meeting

Regular Member or Alternate Member

Boards and Commissions may designate alternate members who possess the same qualifications for eligibility as regular members and who may replace any absent or disqualified member at any meeting.

*Alternates are not eligible to hold these offices. Should an officer resign, the members shall elect a new officer at the next regularly scheduled meeting.

III. Commission Bylaws and Charters

There are specific bylaws for any commission chartered by City Council. In addition, each commission has their own specific charter. Please familiarize yourself with these bylaws and specific charters as they apply to your specific interest by visiting <https://www.winooski.vt.gov/244/Commissions>

IV. Open Meeting Law Resources

All of our boards and commissions must adhere to Vermont Open Meeting law as required by Vermont State statute, both at the body and individual (member) levels. Please see the attached Open Meeting Law resources to familiarize yourself with these requirements.

Questions? Feel free to reach out to our board or commission staff or council liaisons by visiting their specific pages: <https://www.winooski.vt.gov/181/Boards-and-Commissions>





City of Winooski Commission Orientation

Kristine Lott, Mayor
Jessie Baker, City Manager
October 8, 2019



Agenda

- Who we are
- Our form of Government
- Commissions
- Master Plan
- Equity and Inclusion Goals
- Open Meeting Law
- Conflict of Interest Policy
- Discussion, Questions, and Answers



Our Values

For almost 100 years, Winooski has welcomed strivers – people looking to build a better life for themselves and their families.

We're a small city where neighbors know each other. We're a city where all of our kids learn together, play together, grow together.

We're a community where everyone can participate in city government, in neighborhood gatherings and in our lively downtown. We're always striving to improve our city and to welcome our next new neighbors.



Strategic Vision

Winooski will be an affordable, livable, diverse community where the roles of the government will be to foster and guide the following:

Economic Vitality: Maintain and expand our economic development to ensure a long term vibrancy and small town feel.

Municipal Infrastructure: Invest in the City's municipal infrastructure, including energy resources, facilities, technology, roads, sidewalks, and water, sewer, and storm water lines, in order to make our City safe and accessible to residents and visitors while recognizing the critical role that we play in the region's system.

Housing: Ensure a mix of quality, affordable housing stock that maintains the character and aesthetics of our neighborhoods.

Safe, Healthy, Connected People: Foster relationships across generations and cultures by providing safe, healthy environments and opportunities to connect and engage.



Winooski is a Special Place

- Most densely populated city in Northern New England
- Most diverse city in Vermont
- Shared vision of being welcoming, interested in strategic growth, and affordable
- Unique zoning code that supports strategic growth
- Strong sense of volunteerism and involvement on Boards and Commissions
- Restorative Practices housed within the Police Department
- Historic mill town – Hip feel with a deep history
- In terms of Vermont history, we are a relatively young municipality. 100th birthday is coming up in 2022!



Demographics

- Median age is 31.6 (was 32.9 in 2000). Winooski has grown younger as the state population grows older.
- Our population increased by 1% between 2010 and 2017. The number of households increased by 2%.
- Winooski became a more diverse City between 2000 and 2017. The racial make-up of the city went from 93% white in 2000, to 80.8% in 2017. There has been strong growth in the Asian residential population which grew from 5% of the overall population in 2010 to 12% in 2017.
- As of 2017, foreign born residents made up 18% of Winooski's population. Census data indicates that Winooski residents hail from over 20 different countries of origin with the four largest groups from Nepal, Iraq, Somalia and Canada.
- Owner occupied versus renter occupied units stayed remarkably level:
 - 2017 owner occupied units: 39% (same in 2000)
 - 2017 renter occupied units: 61% (same in 2000)
- Between 2010 and 2017 our median household income increased a modest 4%, as compared with 12% for Chittenden County, 12% for Vermont, and 20% for Burlington.



Council-Manager Form of Government

Mayor and Councilors make up the City Council – the policy setting board

- Hire and manage the City Manager
- Acquire, sell, lease property
- Adopt, amend, repeal and enforce ordinances and policies
- Provide for resident participation through boards and commissions
- Responsible for the financial affairs of the City

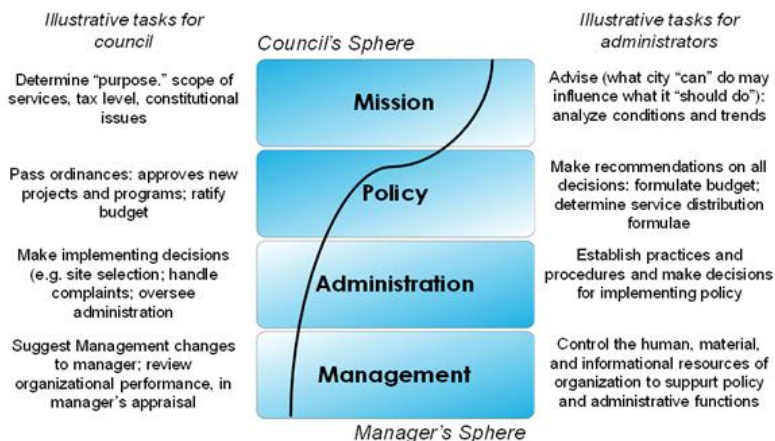
The City Manager is the Chief Administrative Officer

- Hire, manage, fire City employees
- Approve movement of funds within City functional area
- Attend all Council meetings, take part in discussion, and provide policy guidance
- Ensure that all laws, provisions of the charter, and acts of the Council, are executed
- Prepare and submit the capital program, annual budget, and budget message to the Council



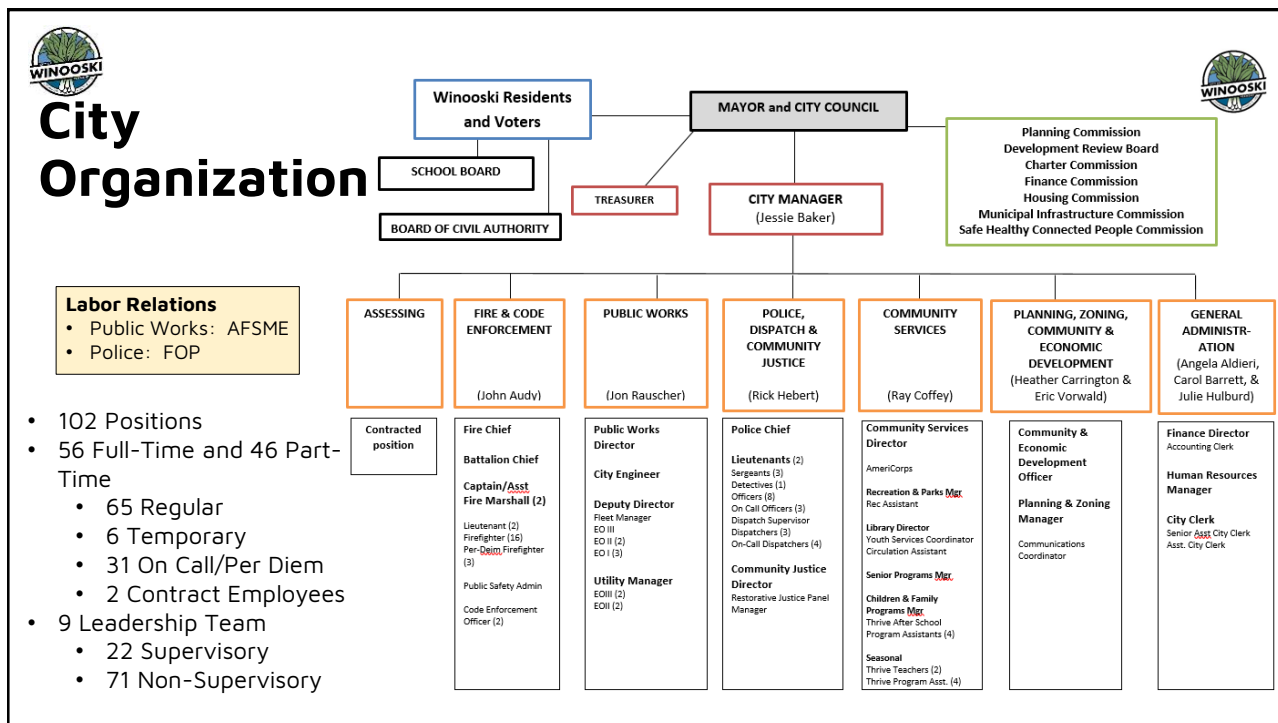
Overview of Roles

Dimensions of Governmental Process



The curved line suggests the division between the council's and the manager's sphere's of activity. The division presented is intended to roughly approximate a "proper" degree of separation and sharing.

Source: The Effective Local Government Manager



City Budget

| Fund | FY20 | % of Total |
|----------------------------------|----------------------|------------|
| General Fund | \$ 7,303,506 | 51.1% |
| Water Fund | \$ 881,962 | 6.2% |
| Wastewater Fund | \$ 1,193,020 | 8.3% |
| Parking Fund | \$ 1,251,049 | 8.8% |
| Tax Increment Financing District | \$ 2,916,837 | 20.4% |
| Community Development | \$ 149,999 | 1.0% |
| Rental Registry | \$ 231,920 | 1.6% |
| Community Justice | \$ 143,722 | 1.0% |
| Community Services | \$ 224,375 | 1.6% |
| TOTAL | \$ 14,296,390 | |



Commissions

Policy Advisory Commissions

- Housing
- Municipal Infrastructure
- Safe Healthy Connected People
- Finance
- Charter

Regulatory Bodies

- Planning Commission
- Development Review Board

User Groups

- Library Committee
- Pool Committee
- Senior Committee



Commissions

| Commission | Council Liaison | Staff Liaison |
|-------------------------------|--------------------------|---|
| Finance | Mayor Kristine Lott | Angela Aldieri, Finance Director Jessie Baker, City Manager |
| Housing | Councilor Jim Duncan | Heather Carrington, Community & Economic Development Officer |
| Municipal Infrastructure | Councilor Mike Myers | Jon Rauscher, Public Works Director |
| Safe Healthy Connected People | Deputy Mayor Hal Colston | John Audy, Fire Chief Ray Coffey, Community Services Director Rick Hebert, Police Chief |
| Charter | Deputy Mayor Hal Colston | Jessie Baker, City Manager |
| Planning Commission | Mayor Kristine Lott | Eric Vorwald, Planning & Zoning Manager |

Note: Councilor Amy Lafayette is the Liaison to the Administration and to Downtown Winooski.



Commissions: Roles and Responsibilities

Commissioners

- Attend Commission meetings or arrange for coverage by an alternate after notifying the Chair
- Be prepared for and participate in each discussion
- Vote, unless a Conflict of Interest exists
- Adhere to the City's Conflict of Interest policy and Open Meeting Law requirements

Chair

- With the Council and staff liaisons prepare an agenda for each meeting
- Assure a quorum will be present
- Preside over each meeting
- Work with Council and Staff Liaisons to develop the annual workplan

Council and Staff Liaisons

- Not vote as part of the Commission
- The **Council Liaison** will guide the Commission work to ensure it is aligned with the Council policy goals
- The **Staff Liaison** will serve as a subject matter expert to the group.
- Actively participate in all conversations and be prepared for meetings
- Assist the **Chair** in developing the annual workplan for the Commission and setting monthly agendas



Commissions

Next Steps (if not already done)

- Orientation to specific charge of your Commission
- Identification of officers: Chair, Vice-Chair, Secretary
- Decide on a regular meeting time
- Review of specific areas of Master Plan
- Workplan development with Chair, Council Liaison, Staff Liaisons



Master Plan

- **Purpose** : Provide a “roadmap” for how the City will grow, develop, use resources, and plan for the future.
- **Required by State Statute if a municipality wants to:**
 - Enact zoning & land subdivision regulations
 - Apply for certain state & federal grants and funds
 - Adopt a capital program and charge impact fees
 - Participate in Act 250 and Section 248 proceedings
- Current plan expires adopted in March 2019 and will expire in 2027
- **Policy implementation** through the Council and Commissions with **operations implementation** by the Staff



Master Plan

- Last comprehensive update completed in 2004
- 2019 Plan organized around the City’s Strategic Vision
- Incorporates specific planning efforts undertaken by the City

| | |
|--|---------------------------------|
| • 2014 Main Street Corridor Plan – | <i>Municipal Infrastructure</i> |
| • 2016 Housing Needs Assessment – | <i>Housing</i> |
| • 2017 Transportation Master Plan – | <i>Municipal Infrastructure</i> |
| • 2017 Parking Plan – | <i>Municipal Infrastructure</i> |
| • 2018 Economic Development Plan – | <i>Economic Vitality</i> |
| • 2018 Branding and Marketing Strategy – | <i>All Areas</i> |

Master Plan



SAFE, HEALTHY, CONNECTED PEOPLE

Goals / Objectives

For more information, see:

- Police Department Strategic Plan
- Winooski School District Comprehensive Plan
- Winooski School District & City Police Agreement

1. Maintain and establish safe and healthy walking connections throughout the City and to neighboring communities with sidewalks, crosswalks, greenways and greenways amenities (bicycling, street trees, sitting areas, light rail).
2. Maintain a vibrant, healthy urban forest in all parts of the City.
3. Maintain and improve the City's parks, natural areas and facilities for recreation and outdoor opportunities. (e.g. open and green spaces, trails, etc.)
4. Implement the recommendations from the Winooski School District (WSD) college and career ready plan to improve student outcomes in the City.
5. All students will graduate from the Winooski School District (WSD) college and career ready plan to improve student outcomes in the City.
6. Winooski residents will have access to affordable, adequate food resources that allows them to make healthy, culturally responsive eating choices.



MUNICIPAL INFRASTRUCTURE

Goals / Objectives

The goals and actions in the following plans are hereby incorporated by reference into the Master Plan. Please see these plans for a more detailed list of goals and actions:

- Winooski Transportation Master Plan by VHB
- Winooski Main Street Revitalization Project by VHB
- Enhanced Energy Supplement

1. Utilize technology/data collection to better manage city infrastructure. Preserve and maintain the existing city infrastructure system, and utilize technology/data collection to inform the work.
2. Increase opportunities for stormwater treatment through low impact development (e.g. reduce impervious surfaces and stormwater disconnection) and green stormwater infrastructure (e.g. planter boxes, rain gardens and green roofs) practices.
3. Provide reliable and safe services, clean water, treated wastewater and stormwater management.
4. Improve and maintain streets and sidewalks for safety and convenience for users at all times of the year. Every street in the City will have at least one sidewalk starting with the priority segments identified in the Transportation Master Plan.
5. Pursue and support alternative energy generation, efficiency and weatherization programs, and electrification of the transportation fleet with the community and in line with the State's Comprehensive Energy Plan goals.
6. Maintain a healthy and diverse urban forest.



ECONOMIC VITALITY


Goals / Objectives

For a more detailed list of actions, please see:

- The Economic Development Plan for the City of Winooski by Cannon Associates

1. Foster business development retention and expansion by building on regional assets, local resources, and existing business environment dynamics through promotion of available resources and financing opportunities, advancing networking opportunities and commitment of local resources.
2. Diversify and enhance services available to existing residents and business community to address the needs identified in the Economic Development Plan and pursue additional planning initiatives as resources allow.
3. Maintain, manage, and reinvigorate the city's built and natural environment through implementation of high priority multi-modal projects, coordination of utility upgrades with private investment on the Gateways (such as utility and streetscape improvements on Main Street), and work to utilize the recreation potential of publicly owned lands.
4. Support initiatives that enhance residents' quality of life, including aspects of housing, health, accessibility and community spirit. See the Housing and Community chapters for more detail.
5. Target economic development resources towards high priority industries that demonstrate regional and local employment opportunities such as tech based companies, specialized manufacturing or entertainment and hospitality offerings.
6. Utilize Opportunity Zone designation to attract and support start-ups, tech industry and commercial and real estate investment.
7. Determine the City's budgetary needs based on additional revenue that may be realized by the end of the 10 year period in 2025 and identify programs that may be supported by this additional revenue.
8. Establish and implement a wayfinding plan to encourage those driving through to stay and visit the City's restaurants, bars, parks and cultural offerings.
9. Pursue an Arts/Cultural District as described in the Economic Development Plan.

Council and Staff Annual Priorities



City Council and Leadership

Policy Priorities and Strategies

2019 - 2020

| Area | Policy Goal | Priorities | Implementation - Effort or Intended Outcome | Pending Resource Availability (human and dollars) |
|--------------------------|---|---|---|--|
| Municipal Infrastructure | Invest in the City's municipal infrastructure, including energy resources, facilities, technology, roads, sidewalks, and water, sewer, and stormwater lines, in order to make our City safe and accessible to residents and visitors while recognizing the critical role that we play in the region's system. | Main Street Revitalization (EV, H, SHCP) | | Consider the creation of a Stormwater Utility |
| | | *Complete final engineering | | |
| | | *Apply for additional funding | | |
| | | *Decide on phased approach | | |
| | | *Coordinate with Exit 16 redevelopment | | |
| | | Myers Memorial Pool (SHCP) | | Plan for changes to the phosphorus TMDL |
| | | *Construction | | |
| | | *Plan for Operations | | Support the Bike Coalition |
| | | Complete Headworks Project at WWTF | | |
| | | Continue focus on CIP and Asset Management Implementation | | Bike Master Plan |
| | | ***Steady state*** plan | | |
| | | *FY21 Proposal: Focus on upgrades to existing sidewalks | | |
| | | *Develop a communications plan for capital projects | | |
| | | *Ensure ADA compliance | | |
| | | Implement Public Works Standards (EV, H) | | FY21 Proposal: Capital Needs Assessments to inform CIP |
| Municipal Infrastructure | Invest in the City's municipal infrastructure, including energy resources, facilities, technology, roads, sidewalks, and water, sewer, and stormwater lines, in order to make our City safe and accessible to residents and visitors while recognizing the critical role that we play in the region's system. | Abernethy Garage | | Plan for Emerald Ash Borer response |
| | | *VCP Grant Application | | |
| | | *Final Design and Permitting | | |
| | | *Construction bidding | | |
| | | Complete Hickok Water Main Project | | |
| | | Complete East Allen Scoping Study (EV, H) | | |
| | | Gateway Utility ordinance | | |
| | | Stormwater ordinance improvement | | |
| | | Transportation Impact Fee recommendation and implementation | | |
| | | *Consider other impact fees as well | | |
| Municipal Infrastructure | Invest in the City's municipal infrastructure, including energy resources, facilities, technology, roads, sidewalks, and water, sewer, and stormwater lines, in order to make our City safe and accessible to residents and visitors while recognizing the critical role that we play in the region's system. | Develop an Industrial Wastewater permit | | |
| | | Implement Tree Ordinance | | |



Equity and Inclusion

- Council priority to ensure all residents, businesses and visitors receive best service in the most equitable and inclusive manner possible
- Challenge to all Commissions to ensure we are representing the whole community



Open Meeting Law

- All (but executive session) communication by a Commissioner discussing City business is considered public
- Meetings must be warned with minutes produced
- A quorum is three voting members. An affirmative vote is three or greater. All motions must be made in the affirmative.
- Information can be shared via email but debate must take place in public setting. Careful of "reply all."
- Check out this resource:
<https://www.sec.state.vt.us/municipal/handbooks-guides/open-government-ethics.aspx>

Resources: Commission Bylaws, Vermont Open Meetings Laws, Vermont Public Records Laws



Code of Ethics

“The business of Winooski will be conducted in such a way that no public officer of the municipality will gain a personal or financial advantage from his or her work for the municipality and so that the public trust in municipal officials will be preserved...all decisions made by municipal officers are based on the best interest of the community at large.”

- Appointed officials are to recuse themselves from decisions in which they are conflicted
- The body shall judge if a conflict exists

Resource: Conflict of Interest Policy



Media and Outreach Channels

City Website and Email News Updates: winooski.vt.gov

Facebook: facebook.com/winooski.vt

Twitter: twitter.com/winooski.vt

Instagram: instagram.com/winooski.vt

Front Porch Forum: frontporchforum.com/areas/84



Discussion.....

What did I miss?

Q&A

Thank you for all you do to serve Winooski!



**Winooski Residents
and Voters**

MAYOR and CITY COUNCIL

SCHOOL BOARD

BOARD OF CIVIL AUTHORITY

TREASURER

CITY MANAGER
(Jessie Baker)

Planning Commission
Development Review Board
Charter Commission
Finance Commission
Housing Commission
Municipal Infrastructure Commission
Safe Healthy Connected People Commission

ASSESSING

**FIRE & CODE
ENFORCEMENT**

(John Audy)

PUBLIC WORKS

(Jon Rauscher)

**POLICE,
DISPATCH &
COMMUNITY
JUSTICE**

(Rick Hebert)

**COMMUNITY
SERVICES**

(Ray Coffey)

**PLANNING, ZONING,
COMMUNITY &
ECONOMIC
DEVELOPMENT**
(Heather Carrington &
Eric Vorwald)

**GENERAL ADMINISTR-
ATION**
(Angela Aldieri,
Carol Barrett, &
Julie Hulburd)

**Contracted
position**

Fire Chief
Battalion Chief
**Captain/Asst
Fire Marshall (2)**

Lieutenant (2)
Firefighter (16)
Per-Deim Firefighter
(3)

Public Safety Admin
Code Enforcement
Officer (2)

**Public Works
Director**

City Engineer

Deputy Director
Fleet Manager
EO III
EO II (2)
EO I (3)

Utility Manager
EOIII (2)
EOII (2)

Police Chief

Lieutenants (2)
Sergeants (3)
Detectives (1)
Officers (8)
On Call Officers (3)
Dispatch Supervisor
Dispatchers (3)
On-Call Dispatchers (4)

**Community Justice
Director**
Restorative Justice Panel
Manager

**Community Services
Director**

AmeriCorps

Recreation & Parks Mgr
Rec Assistant

Library Director
Youth Services Coordinator
Circulation Assistant

Senior Programs Mgr

**Children & Family
Programs Mgr**
Thrive After School
Program Assistants (4)

Seasonal
Thrive Teachers (2)
Thrive Program Asst. (4)

**Community &
Economic
Development
Officer**

**Planning & Zoning
Manager**

Communications
Coordinator

Finance Director
Accounting Clerk

**Human Resources
Manager**

City Clerk
Senior Asst City Clerk
Asst. City Clerk

Bylaws for Commissions Chartered by the Winooski City Council

Article 1: Establishment of Groups

The City Council, under its Charter authority in §19-602, must establish each Commission through the approval of a Commission Charter at a warned meeting of the City Council.

Article 2: Qualification and Appointment of Members

Commission Charters outline if there is a specific expertise sought for the Commission. Residency in Winooski is preferred. However, consideration is given to non-resident applicants who have a specific expertise or insight to offer.

Individuals wishing to be appointed to a Commission shall complete an application as established by the City. Applications are available at www.winooski.vt.gov or at City Hall. Interviews with the Council and Staff Liaisons may be requested.

All voting members of a group must be appointed by the City Council at a warned Council Meeting. Appointments shall be made by July 1 annually or as vacancies occur. A term begins at the first meeting in July and extends two years. As new Commissions are established the first appointments will be for staggered one and two year terms. New members are encouraged to attend meetings prior to the term beginning as orientation to the group. Midterm appointments for vacancies are made by the Council for the remainder of the term of the person being replaced.

A member may be removed by a majority vote of the City Council at a regularly scheduled meeting.

Article 3: Officers, Elections, and Responsibilities

Annually at the first meeting after July 1, each Commission shall elect officers including a Chair, a Vice Chair, and a Secretary from the appointed members of the group. Alternates are not eligible to hold these offices. Should an officer resign, the members shall elect a new officer at the next regularly scheduled meeting.

The Chair is responsible for working with the Council and staff liaisons to prepare an agenda for each meeting, assuring a quorum will be present at each meeting, and presiding over each meeting.



The Vice Chair shall act as Chair in his/her absence and shall become Acting Chair should the Chair resign.

The Secretary shall assure that minutes are taken at each meeting.

Commission members shall:

- Make every effort to attend regularly scheduled Commission meetings or arrange for coverage by an alternate after notifying the Chair
- Be prepared for each meeting
- Participate in the discussion
- Render a vote on each item, unless a Conflict of Interest exists
- Adhere to the City's Conflict of Interest policy
- Adhere to the Vermont Open Meeting Law requirements

Council and Staff Liaisons shall:

- Not vote as part of the Commission
- The Council Liaison will guide the Commission work to ensure it is aligned with the Council policy goals
- The Staff Liaison will serve as a subject matter expert to the group.
- Actively participate in all conversations and be prepared for meetings
- Assist the Chair in developing the annual workplan for the Commission and setting monthly agendas

Article 4: Applicable Laws and Policies

All meetings are subject to Vermont's Open Meeting Laws, the City's Conflict of Interest policy, and the Laws of the State of Vermont.

Article 5: Meeting Schedule

The group shall select one day per month, at a standing time and location as a regular meeting date. Groups shall not meet on evenings when the City Council is in session. All meeting shall occur on City property. The Chair shall notify the Council and Staff Liaisons once a regular meeting schedule occurs to assure the City Calendar shall contain all information.

The group may decide to hold a special meeting with twenty four (24) hours' notice. The Chair may schedule the meeting in coordination with the Council and Staff Liaisons. Special meetings



must be scheduled in a manner that would reasonably allow all regular members to attend and must be noticed according to Vermont Open Meeting Law.

Agendas for each meeting will be noticed in advance and in compliance with Vermont Open Meeting Law. All agendas shall start with the following agenda items:

- Call to Order
- Agenda approval
- Public Comment
- Approval of Minutes

Article 5: Conducting Meetings

Meetings shall be conducted in accordance with Vermont Open Meeting Law and the practices of the City Council. Alternates are encouraged to attend meetings and may participate in the discussion as a member, but may not vote except when filling in for a member.

A quorum is three voting members of a Commission of five regardless of the number of members present. A quorum is needed to hold any meeting. If such number is not present, the only action that can be taken is to adjourn. A quorum is needed to pass a motion. A motion must be made in the affirmative and be seconded in order to move to a vote.

Article 6: Rescission of Past Guidance

With the exception of prevailing local and state Law, these bylaws and Commission Charters supersede all past associated decision of the Winooski City Council.

Adopted on this 15 day of July, 2019.

Winooski City Council



Mayor Kristine Lott

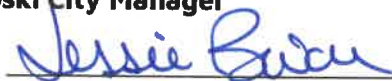


Deputy Mayor Hal Colston



Councilor James Duncan

Winooski City Manager



Jessie Baker



City of Winooski
Vermont's Opportunity City

27 West Allen Street
Winooski, Vermont 05404
802 655 6410
winooski.vt.gov



Councilor Amy Lafayette

Councilor Michael Myers





MASTER PLAN

Winooski Planning Commission
Winooski City Council
Adopted: March 18, 2019



VISION

Winooski will continue to be a livable, diverse, and affordable community where the role of government will be to foster and guide:

ECONOMIC VITALITY

Maintain and expand our economic development to ensure long-term vibrancy.

MUNICIPAL INFRASTRUCTURE

Invest in the City's municipal infrastructure, including energy resources, facilities and technology; roads and sidewalks; and water, sewer, and storm water lines and facilities. Infrastructure investment will make our City safe and accessible to residents and visitors while recognizing the critical role that we play in the region's system.

SAFE, HEALTHY, CONNECTED PEOPLE

Foster relationships across generations and cultures by providing a safe and healthy environment and providing opportunities to connect and engage with other residents of the City.

HOUSING

Ensure a mix of quality housing that maintains and enhances Winooski's unique sense of place and supports the needs of the entire community.

BRAND

In addition to the vision statements, the City's brand helps describe the past, current and future direction for the City.

WINOOSKI: VERMONT'S OPPORTUNITY CITY

For almost 100 years, Winooski has welcomed strivers – people looking to build a better life for themselves and their families. We're a small city where neighbors know each other. We're a city where all of our kids learn together, play together, grow together. We're a community where everyone can participate in city government, in neighborhood gatherings and in our lively downtown. We're always striving to improve our city and to welcome our next new neighbors.





LAND USE

Goals / Objectives



1

Considering the limited land area in Winooski, continue to infill and build upward in accordance with the land use regulations to ensure economic sustainability.



2

Continue development and support for the Downtown Core.



3

Transform the Gateway districts using both public and private sector investment to:

- a. Capitalize on public investment in existing infrastructure
- b. Stabilize and strengthen mixed-use commercial areas and residential neighborhoods
- c. Create a pedestrian-friendly and multi-modal district
- d. Promote, create, and expand housing options
- e. Ensure a complementary relationship between the Corridors and the surrounding neighborhoods
- f. Better utilize existing resources to redevelop under-utilized lots and create an improved pedestrian experience



4

Refine the 2016 Unified Land Use & Development Regulations to improve the implementation of the Form Based Code and this Master Plan, including parking requirements, future land uses, stormwater management, and other refinements.



5

Preserve the scale, character, and value of established neighborhoods by ensuring that new residential development is well integrated with existing development as called for in the Unified Land Use & Development Regulations.



6

When considering residential neighborhood redevelopment allow for neighborhood scale retail and services within residential neighborhoods.



7

Maintain and evolve the commercial and industrial districts as needed to retain and grow existing businesses, and enable start-ups and tech businesses



8

Review zoning to maximize opportunities for the recreational economy.





9

Consider expansion of the Neighborhood Development Area designation to the entire City.



10

Protect, preserve, develop and use Winooski's historic, cultural and architectural resources to stimulate a more meaningful environment for its citizens residents and the region; maintain the architectural and historical integrity of existing buildings or features; and ensure the compatibility of new construction or usage to adjacent properties.



11

Review and improve the historic preservation section of the Unified Land Use Development Regulations to ensure proper protection of these resources.



12

Maintain and improve the City's parks and open spaces for wildlife habitat and crossings, water quality protection, flood attenuation, carbon sequestration, and human enjoyment.



13

Promote vegetative landscaping in new development projects and municipal improvement projects to manage storm water, protect water quality and air quality, increase carbon sequestration and establish urban place making; and protect forest blocks, wildlife connectivity resources and crossings, surface waters, riparian areas and other significant habitats (e.g. wetlands) from development and fragmentation along the undeveloped parts of the Winooski River and the Gilbrook Natural Area.



14

Maintain the flood hazard area to protect from flooding.



15

Review the mapped River Corridor area, work with the state to make sure it is accurate and develop land use regulations to protect these areas in order to continue receiving the best match for emergency relief assistance funds.



16

It is not the intent of this plan to protect agricultural soils from development considering agricultural operations (outside of community gardens) are not feasible on small parcels isolated from more intact open agricultural areas. Further, mitigation of these soils through state development approval processes does not seem appropriate in such an urban environment.





ECONOMIC VITALITY

Goals / Objectives

For a more detailed list of actions, please see:



The Economic Development Plan for the City of Winooski by Camoin Associates



1

Foster business development retention and expansion by building on regional assets, local resources, and existing business environment dynamics through promotion of available resources and financing opportunities, advancing networking opportunities and commitment of local resources.



2

Diversify and enhance services available to existing residents and business community to address the needs identified in the Economic Development Plan and pursue additional planning initiatives as resources allow.



3

Maintain, manage, and reinvigorate the city's built and natural environment through implementation of high priority multi-modal projects, coordination of utility upgrades with private investment on the Gateways (such as utility and streetscape improvements on Main Street), and work to utilize the recreation potential of publicly owned lands.



4

Support initiatives that enhance residents' quality of life, including aspects of housing, health, accessibility and community spirit. See the Housing and Community chapters for more detail.



5

Target economic development resources towards high-priority industries that demonstrate regional and local employment opportunities such as tech-based companies, specialized manufacturing or entertainment and hospitality offerings.



6

Utilize Opportunity Zone designation to attract and support start-ups, tech industry and commercial and real estate investment.



7

Determine the City's budgetary needs based on additional revenue that may be realized by the end of the TIF period in 2025 and identify programs that may be supported by this additional revenue.



8

Establish and implement a wayfinding plan to encourage those driving through to stay and visit the City's restaurants, bars, parks and cultural offerings.



9

Pursue an Arts/Cultural District as described in the Economic Development Plan.





MUNICIPAL INFRASTRUCTURE

Goals / Objectives

The goals and actions in the following plans are hereby incorporated by reference into the Master Plan. Please see these Plans for a more detailed list of goals and actions:



Winooski Transportation Master Plan by VHB



Downtown Parking Plan by Desman Design Management



All-Hazards Mitigation Plan



Winooski Main Street Revitalization Project by VHB



Enhanced Energy Supplement



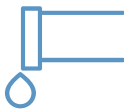
1

Utilize technology/data collection to better manage city infrastructure. Preserve and maintain the existing city infrastructure system, and utilize technology/data collection to inform this work.



2

Increase opportunities for stormwater treatment through low impact development (e.g. reduce impervious surfaces and stormwater disconnection) and green stormwater infrastructure (e.g. planter boxes, rain gardens and green roofs) practices.



3

Provide reliable and safe services, clean water, treated wastewater and stormwater management



4

Improve and maintain streets and sidewalks for safety and convenience for all users at all times of the year. Every street in the City will have at least one sidewalk starting with the priority segments identified in the Transportation Master Plan.



5

Pursue and support alternative energy generation, efficiency and weatherization programs, and electrification of the transportation fleet with the community and in line with the State's Comprehensive Energy Plan goals.



6

Maintain a healthy and diverse urban forest.





7

Maintain safe, connected, and accessible natural areas as an asset for wildlife, flood resiliency, recreation and community connection to the environment.



8

Enhance pedestrian, bicycle, and vehicular connectivity within Winooski and to adjacent towns, starting with priorities identified in the Transportation Master Plan. Improve transit access, frequency and reliability.



9

Work to implement high priority programs of the parking plan and the transportation master plan related to parking and parking management to mitigate parking demand by promoting alternative modes of transportation and initiatives to better manage public parking assets.



10

Coordinate utility improvements in conjunction with municipal infrastructure improvement projects to add green spaces and underground utilities when possible.



11

Support access to the best telecommunication services for the benefit of tech businesses and residents.



12

Identify, preserve and retain the City's historic buildings and resources.



Champlain Mill



SAFE, HEALTHY, CONNECTED PEOPLE

Goals / Objectives

For more information, see:



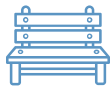
Police Department
Strategic Plan



Winooski School District
Continuous Improvement Plan



Winooski School District & City
of Winooski MOU



1

Maintain and establish safe and inviting walkable connections throughout the City and to neighboring communities with sidewalks, crosswalks, greenways and streetscape amenities (wayfinding, street trees, sitting areas, lighting).



2

Maintain a vibrant, healthy urban forest in all parts of the City.



3

Maintain and improve the City's parks, natural areas and facilities for exercise and recreation opportunities for all ages and to achieve a goal of having all Winooski residents within an easily accessible 10 minute walk of a high quality park or natural area through development of a Parks and Open Space Master Plan of current and future facilities (including wayfinding, locations for dog owners, programs, etc.).



4

Implement the recommendations from the branding study to improve tourism opportunities in the City.



5

All students will graduate from the Winooski School District (WSD) college and career ready at a cost supported by a majority of the Winooski community. WSD students will lead healthy, productive and successful lives and engage with their local and global community.



6

Winooski residents will have access to affordable, adequate food resources that allows them to make healthy, culturally-responsive eating choices.





7

Winooski will partner with local healthcare providers to support improved access to healthcare services, while also supporting health promotion and education initiatives that promote improved well-being for Winooski residents (i.e. "complete streets", smoke free zones), and support for local health resources.



8

Winooski residents (and their loved ones) who are struggling with mental health issues, substance use or abuse will have access to the comprehensive supports necessary to address their use, and will be able to access those services with dignity. Our community will also focus on substance use prevention efforts.



9

Continue to retain and manage the O'Brien Community Center as a hub for various human and social service resources, while seeking to increase on site programming and make improvements and developments that maximize use of the 32 Malletts Bay Ave property.



10

Focus on enhancing the Library facility to enable increased programming, public gathering space, expanded circulation materials (including non-literary resources), and opportunities to learn. Improve promotion and way-finding to encourage more Winooski residents and visitors to use the Public Library.



11

Conduct routine assessments of the community's programming interests and needs (including public feedback, analysis of changing demographics, and trends in recreation), and use the results to develop a responsive and diverse slate of year-round program offerings including expansion of programs through public and private partnerships, and focus on increased water safety and aquatics programming (through or restoration of Myers Pool or partnerships with other agencies).



12

Ensure that Winooski residents have access to high-quality, affordable childcare options for infant, toddler, pre-school aged and school-aged children.



13

Winooski Seniors (55+) will have access (including transportation services) to programs, resources, and places to gather that empower them for personal independence, healthy aging, social connection, and life-long learning.



14

Improve transportation services for all to enable independence, social connection, and access to necessary services.





15

Improve the City's website and continue to grow an online presence to tell the story of the City and provide the residents with convenient access to the resources they need.



16

Establish opportunities for City officials (elected, appointed and staff) to spend time developing and cultivating relationships with a diverse set of our community.



17

Continue volunteer recruitment and management efforts, with hopes of maximizing the City's strong human capital.



18

Continue to find ways to make Winooski's Municipal Government open, accessible, representative, and participatory (such as opportunities to serve on Commissions).



19

Ensure adequate staffing, training and equipment needed for community policing, fire protection and code enforcement to meet the growing needs of the city.



20

Continue current mutual aid and partnership agreements for other safety services like rescue; and explore making Winooski Dispatch a regional partner.



21

Foster the development of neighborhood identities.



22

Increase gender and racial diversity on Staff and Boards to more accurately match the gender and racial make-up of Winooski residents.





HOUSING

Goals / Objectives

For more information, see:



2016 Winooski Housing Needs Assessment



Winooski Housing Commission documents



1

Encourage the development of affordable housing options for a broad range of income levels.



2

Foster a mix of housing types to serve the needs of different family compositions, household types and multi-generational needs.



3

Promote quality housing that is safe, healthy and durable.



4

Preserve and sustain the scale, character and settlement patterns of our neighborhoods.



5

Protect current residents from displacement.





6 Support sustainable growth, density and creation of additional housing units.



7 Improve energy efficiency of new and existing buildings.



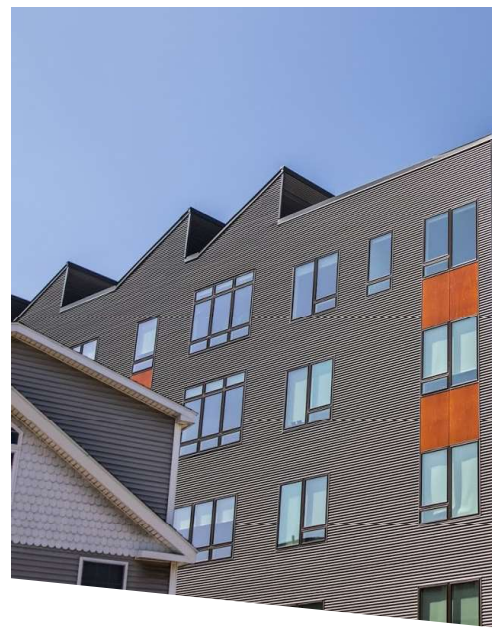
8 Encourage low impact development practices to infiltrate stormwater and to reduce the volume of stormwater runoff from new and existing development.



9 Ensure housing areas include healthy, diverse trees.



10 Work with the Chittenden County Homeless Alliance to advance their vision of safe, decent, affordable, stable homes for every person and family in Chittenden County.





City Council and Leadership

Policy Priorities and Strategies

2019 - 2020

| Policy | | Implementation - Effort or Intended Outcome | |
|------------------------|--|---|---|
| Area | Policy Goal | Priorities | Pending Resource Availability (human and dollars) |
| All | | Move Equity work forward | Plan for staff redundancies, identify resource and operations constraints, and develop process mapping |
| | | Commission Transition | Information Technology service improvements including training and process mapping |
| | | Partner with the Airport on Noise Exposure Map and Noise Compatibility Program | |
| | | Support a Charter Commission | |
| | | Update Unified Land Use and Development Regulations (Planning Commission) (Side memo from Eric) | |
| | | Ensure regulatory consistency between zoning, rental registry, public works standards, and the Municipal Code | |
| | | Partner with new leadership at Downtown Winooski on Pumpkin Festival and other downtown priorities | |
| | | Stand up a Finance Commission and focus on resource constraints: *Debt and investment policies *TIF expiration planning *Public Art commitment *City Space Planning *How decisions impact financial sustainability and operational constraints (budget and human resources) *Diversification of revenue streams *Fundraising Policy (summer 2019) *Scholarship Policy (summer 2019) | |
| Economic Vitality (EV) | Maintain and expand our economic development to ensure long-term vibrancy. | Implement wayfinding plan | Permitting Plan Review improvements (H) *Bring in house plans review *Improve data collection and display systems |
| | | Strengthen Parking operations *Develop a Parking Operations Manual to include "free parking" policies for events *Improve communications of parking options | Expand Downtown Designation |
| | | Implement Legacy Campaign (SHCP) | |
| | | Execute a Development Agreement with Hotel Developer | |
| | | Utilize Opportunity Zone designation | |
| | | Historic Preservation planning (H) *Identify funding and commence an inventory of resources we are trying to preserve | |

| Policy | | Implementation - Effort or Intended Outcome | |
|--------------------------|---|--|--|
| Area | Policy Goal | Priorities | Pending Resource Availability (human and dollars) |
| Municipal Infrastructure | Invest in the City's municipal infrastructure, including energy resources, facilities, technology, roads, sidewalks, and water, sewer, and stormwater lines, in order to make our City safe and accessible to residents and visitors while recognizing the critical role that we play in the region's system. | Main Street Revitalization (EV, H, SHCP) *Complete final engineering *Apply for additional funding *Decide on phased approach *Coordinate with Exit 16 redevelopment | Consider the creation of a Stormwater Utility |
| | | Myers Memorial Pool (SHCP) *Construction *Plan for Operations | Plan for changes to the phosphorus TMDL |
| | | Complete Headworks Project at WWTF | Support the Bike Coalition |
| | | Continue focus on CIP and Asset Management Implementation **"Steady state" plan *FY21 Proposal: Focus on upgrades to existing sidewalks *Develop a communications plan for capital projects *Ensure ADA compliance | Bike Master Plan |
| | | Implement Public Works Standards (EV, H) | FY21 Proposal: Capital Needs Assessments to inform CIP |
| | | Abenaki Garage *VCDP Grant Application *Final Design and Permitting *Construction bidding | Plan for Emerald Ash Borer response |
| | | Complete Hickok Water Main Project | |
| | | Complete East Allen Scoping Study (EV, H) | |
| | | Gateway Utility ordinance | |
| | | Stormwater ordinance improvement | |
| | | Transportation Impact Fee recommendation and implementation *Consider other impact fees as well | |
| | | Develop an Industrial Wastewater permit | |
| | | Implement Tree Ordinance: *Public Works Commission to serve as the Tree Commission *Tree City USA status | |
| Housing (H) | Ensure a mix of quality housing that maintains and enhances Winooski's unique sense of place and supports the needs of the entire community. | Housing Trust Fund - Establish Policies and Procedures | Review housing standards and public building registry *Bring WHA fully on to public building registry |
| | | Fully utilize Fire House and data to inform housing discussions and operations | |
| | | Implement Champlain Housing Trust pre-development agreement | |

| Policy | | Implementation - Effort or Intended Outcome | |
|--|--|---|---|
| Area | Policy Goal | Priorities | Pending Resource Availability (human and dollars) |
| Safe, Healthy, Connected People (SHCP) | Foster relationships across generations and cultures by providing a safe and healthy environment and providing opportunities to connect and engage with other residents of the City. | Continue Regional Dispatch discussions *CCPSA implementation *PD building improvements *Administrative support remaining | Increase Community Services programming based on the recommendations of the Programming Study |
| | | Implement Police Department Strategic Plan *Integrating Communication Assessment and Tactics De-escalation training *Develop and Retain Personnel - Career Development, Wellness and Emerging Issues *Community Policing – Outreach, Education, Presence on the Street and at events, and Relationships | FY21 Proposal: Explore the implementation of a K9 program *What is the added value? *Are there exterior funding sources? *What are the long-term budget implications? |
| | | Complete a Parks and Open Space Plan (MI) *Consider future land use of Parks (Casavant, Gilbrook, Memorial) *Focus on the accessibility of parks and programming | Partner more with GMT on transportation access equity including for seniors and to support programming |
| | | OCC Implementation of changes (MI) *Public face of the City on-site *New relationships with tenants *Library as a service hub | Plan for a municipal role in the early child care crisis *In partnership with School *Additional evaluation of potential and funding opportunities |
| | | Address Riverwalk East Grant closeout | |
| | | Participate in Census 2020 | |
| | | Review Fair and Impartial Policing Policy *Commission review after State policy change | |
| | | Community Risk Reduction Efforts *VRRP partnership *Business partnerships | |
| | | Emergency Management *Leadership Training on LEOP | |
| | | Respond to State Rental Housing regulations and new VDH requirements | |
| | | Expand School Partnerships *Processes with new Communications and Development professional *Shared translation services *Participate in school reconstruction process (including ROW and public safety review) | |
| | | TIF Audit by State Auditor's Office | Benefits Review |
| | | Monitor need for reappraisal *Plan for digitizing records with reappraisal *Include in Noise Compatibility Planning | Update phone system |
| | | Update Finance Policies and Procedures FY21 Proposal: Explore new Finance technology (with State decision on CAMA system) | |
| | | Update Personnel Policies | |
| Operations Improvements | Continue to professionalize municipal functioning to ensure effective and efficient delivery of services | | |

Mayor and Council Rules of Procedure

Article 1: Purpose.

The Winooski City Council and its appointed Boards, Committees, and Commissions, are required by law to conduct meetings in accordance with the Vermont Open Meeting Law (1 V.S.A. §§ 310-314.) The authorities of the Mayor, City Council, and City Manager are established in the Winooski City Charter (24A V.S.A. § 19.)

Article 2: Application.

This policy setting forth rules of procedure shall apply to the Winooski City Council, which is referred to below as "the body." These rules shall apply to all regular, special, and emergency meetings of the body. While this policy is not directly applicable to Boards, Committees, and Commissions as appointed by the City Council, such bodies are subject to the requirements of the Vermont Open Meeting Law, 1 V.S.A. §§ 310-314.

Article 3. Organization of the City Council.

- a. The Mayor shall serve as the Chair of the City Council. The Deputy Mayor shall preside over all meetings in the Mayor's absence. If both the Mayor and the Deputy Mayor are absent, a member selected by the body shall act as chair for that meeting.
- b. The Mayor or presiding chair shall preserve order in the meeting and shall regulate its proceedings by applying these rules and making determinations about all questions of order or procedure.
- c. A majority of the members of the body shall constitute a quorum. If a quorum of the members of the body is not present at a meeting, no meeting shall take place.
- d. No single member of the body shall have authority to represent or act on behalf of the body unless, by majority vote, the body has delegated such authority for a specific matter at a duly noticed meeting and such delegation is recorded in the meeting minutes.
- e. Motions made by members of the body do require a second. The Mayor or presiding chair may make motions and may vote on all questions before the body. A motion will only pass if it receives the votes of a majority of the quorum.
- f. There is no limit to the number of times a member of the body may speak to a question. A member may speak or make a motion only after being recognized by the Mayor or presiding chair. Motions to close or limit debate will be entertained.
- g. Any member of the body may request a roll call vote at any time.
- h. Members are allowed to attend a meeting electronically. Pursuant to 1 V.S.A. § 312(a)(2), when one or more members attend a meeting electronically, a roll call vote is required for



votes that are not unanimous. At least one member of the body, must be present in the physical location where the meeting is scheduled to be held.

- i. Meetings may be recessed to a time and place certain.
- j. These rules may be amended by majority vote of the body, and must be readopted annually.

Article 4: Council Meeting Agendas.

- a. Each regular and special meeting of the body shall have an agenda.
 - i. Councilors, staff, or members of the public who wish to be added to the meeting agenda shall contact the Mayor or City Manager by close of business on a Thursday prior to a regular meeting to request inclusion on the agenda. Requests for agenda items from the public must be put in writing to the Manager. The Mayor, in consultation with the City Manager, shall determine the final content of the agenda. If two or more Councilors request an agenda item, the Mayor and Manager must add it to the agenda.
 - ii. The agenda shall indicate the name of the official proposing the item and if the item is for discussion and/or approval.
 - iii. Each agenda may contain a "Consent Agenda" section. Items listed on the Consent Agenda may be voted upon collectively. Examples of such items are the minutes of prior meetings, routine approvals, approval items from past meetings, and other non-controversial matters. The request of a single Council Member will be sufficient cause to remove an item from the Consent Agenda and vote on it separately.
 - iv. Each agenda will contain an item on agenda review, City updates, and Councilor updates.
- b. At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda shall be posted at the following designated public places in the municipality: City Hall, the Winooski School District, and at the Winooski Library. We will endeavor to also post at TD Bank and the O'Brien Community Center. At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda and supporting materials shall be posted on www.winooski.vt.gov. The agenda must also be made available to any person who requests such agenda prior to the meeting.
- c. All business shall be conducted in the same order as it appears on the noticed agenda, except that any addition to or deletion from the noticed agenda must be made as the first act of business at the meeting. No additions to or deletions from the agenda shall be considered once the first act of business at the meeting has commenced. Any other adjustment to the noticed agenda (for example, changing the order of business or postponing or tabling actions) may be made by a majority vote of the body.



Article 5: Council Meetings.

- a. Regular meetings shall take place on the first and third Mondays of the month at 6:00 p.m. at the Claire Burke Council Chambers at Winooski City Hall.
- b. Special meetings shall be publicly announced 24 hours in advance by giving notice to all members of the body; to an editor, publisher or news director, or radio station serving the area; and to any person who has requested notice of such meetings in writing. In addition, notices shall be posted in the municipal clerk's office and at the following designated places in the municipality: O'Brien Community Center and the Winooski High School.
- c. Emergency meetings may be held without public announcement, without posting of notices, and without 24-hour notice to members, provided some public notice thereof is given as soon as possible before any such meeting. When practicable under the circumstances, members will be given at least 12 hours' notice. Emergency meetings may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body.
- d. A member of the body may attend a regular, special, or emergency meeting by electronic or other means without being physically present at a designated meeting location, so long as the member identifies him or herself when the meeting is convened, and is able to hear and be heard throughout the meeting. Whenever one or more members attend electronically, voting that is not unanimous must be done by roll call. If a quorum or more of the body attend a meeting (regular, special, or emergency) without being physically present at a designated meeting location, the agenda for the meeting shall designate at least one physical location where a member of the public can attend and participate in the meeting. At least one member of the body shall be physically present at each designated meeting location.
- e. In accordance with 1 V.S.A. §§ 313, the body may convene in Executive Session as needed.
- f. The Council shall follow the most recent version of Robert's Rules of Order when a particular action or procedure is not addressed by these Rules of Procedure or the City Charter.

Article 6: Public Participation in Council Meetings.

- a. All meetings of the body are meetings in the public, not of the public. Members of the public shall be afforded reasonable opportunity to express opinions about matters considered by the body, so long as order is maintained according to these rules.
- b. The Mayor or presiding chair can limit the time of the public comment, or the time an individual is allowed to speak, to ensure the timely work of the body. It is the intention that at least ten minutes be allocated for public comment at the beginning of each meeting. This may be expanded if needed.
- c. At the end of discussion of each agenda item, but before any action is taken by the public body at each meeting, there must be time afforded for open public comment.



- d. Comment by the public or members of the body must be addressed to the Mayor (or presiding chair) or to the body as a whole, and not to any individual member of the body or public.
- e. Members of the public must be acknowledged by the Mayor or presiding chair before speaking.
- f. If a member of the public has already spoken on a topic, he or she may not be recognized again until others have first been given the opportunity to comment.
- g. Order and decorum shall be observed by all persons present at the meeting. Neither members of the body, nor members of the public, shall delay or interrupt the proceedings or the peace of the meeting or interrupt or disturb any member while speaking. Members of the body and members of the public are prohibited from making personal, impertinent, or threatening remarks.
- h. Members of the body and members of the public shall obey the orders of the Mayor or other presiding member. The Mayor or presiding chair should adhere to the following process to restore order and decorum of a meeting, but may bypass any or all steps when he or she determines in his or her sole discretion that deviation from the process is warranted:
 - i. Call the meeting to order and remind the members of the applicable rules of procedure.
 - ii. Declare a recess or table the issue.
 - iii. Adjourn the meeting until a time and date certain.
 - iv. Order the constable or police to remove disorderly person(s) from the meeting.

Article 7: Constituent Relations. As elected officials, members of the public will look to City Councilors as a primary point of contact for issues that concern the city or the community. When talking with constituents, Councilors must avoid speaking on behalf of the Council except to refer to an action previously adopted. Councilors must refrain from negotiating or giving the appearance of negotiating on behalf of the city without explicit Council delegation of authority. The City Manager is responsible for allocating resources, assuring services are provided, and staff management. Communication about these should be directed to the Manager.

Article 8: Electronic Communications and Public Records. All communication by a Councilor discussing City business is considered public and is subject to Vermont Public Records Act requests. The Mayor and Councilors are provided an email address from the City of Winooski. This email address should be used for all City business and is the property of the City. All messages from and to this account must be saved. Email can be used to file a report or schedule a meeting. All discussion and debate should take place in an open session of the Council.



Article 9: Media Relations. Members of the media may contact Councilors for a quote or for perspective on an issue facing the City. Councilors must speak on the Council's behalf only if authorized to do so by the Council. The Council's policy perspective is usually publically communicated by the Mayor. Questions and inquiries related to day-to-day operations, personnel, or legal issues should be directed to the City Manager.

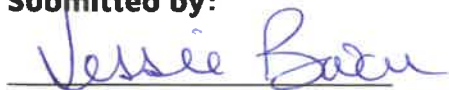
Article 10: City Staff. The City Manager is the primary contact between the Council and City staff. To the extent that Councilors are reaching out to staff directly for information, the Manager should be copied on the communication. The Council cannot provide direction to staff. To the extent that Councilors have general questions, responses will be provided directly to the Councilor who asked the question. To the extent that Councilors ask questions about history, for details on operations, or other general implementation questions, this information will be shared with the full Council.


Article 11: Emergency Response. City staff are charged with responding to and managing the scene of emergency situations. During emergencies, staff's foremost concern is managing the situation and keeping the City and residents safe. In these instances, the Manager will be the primary contact between City staff and the Council. Should a situation escalate to the point of requiring an exceptional need for coordinated effort that cannot be managed at the scene, an Emergency Operations Center (EOC) will open. It may become necessary to convene the Council in order to address needs or provide for a coordinated information process with residents and/or media. Should this occur, the Mayor will notify the Council.

Article 12: Liaison and Commission Assignments. Each Councilor will be assigned an operational division of the City Government to serve as liaison. This role is designed to strengthen oversight of the city functions. The Councilor shall work to understand the issues. The liaison role, however, does not include any supervision of positions. Department Heads are expected to regularly reach out to their liaison for updates and to keep the Councilor apprised of actions coming before the Council. Councilors will also be the prime contact for any committees that report directly to the Council. The Mayor, as a result of his/her position as Chair of the Strategic Planning process, shall always be the liaison for the Planning Commission.

Article 13: Effective Date. This policy shall become effective immediately upon its adoption by the Winooski City Council.

Submitted by:


Jessie Baker, City Manager


Date



City of Winooski
Vermont's Opportunity City

27 West Allen Street
Winooski, Vermont 05404
802 655 6410
winooski.vt.gov

Approved by:


City Council



Mayor Lott



Councilor Colston



Councilor Duncan




Councilor Lafayette



Councilor Myers

Attest:



Carol J. Barrett, City Clerk



Conflict of Interest Policy

Article 1. Authority. Under the authority granted in 24 V.S.A. § 2291(20), and in accordance the Winooski City Charter, 24A V.S.A. § 19-305, the Winooski City Council hereby adopts the following policy concerning conflicts of interest.

Article 2. Purpose. The purpose of this policy is to ensure that the business of this municipality will be conducted in such a way that no public officer of the municipality will gain a personal or financial advantage from his or her work for the municipality and so that the public trust in municipal officials will be preserved. It is also the intent of this policy to ensure that all decisions made by municipal officers are based on the best interest of the community at large.

Article 3. Application. This policy applies to all public officers as that term is defined below.

Article 4. Definitions. For the purposes of this policy, the following definitions shall apply:

A. **Conflict of interest** means any of the following:

- i. A direct or indirect personal or financial interest of a public officer, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother- or sister-in- law, business associate, or employer or employee in the outcome of a cause, proceeding, application, or any other matter pending before the officer or before the public body in which he or she holds office or is employed.
- ii. A situation where a public officer has publicly displayed a prejudgment of the merits of a particular quasi-judicial proceeding. This shall not apply to a member's particular political views or general opinion on a given issue.
- iii. A situation where a public officer has not disclosed ex parte communications with a party in a quasi- judicial proceeding.

A "conflict of interest" does not arise in the case of votes or decisions on matters in which the public official has a personal or financial interest in the outcome, such as in the establishment of a tax rate, that is no greater than that of other persons generally affected by the decision.

B. **Emergency** means an imminent threat or peril to the public health, safety, or welfare.

C. **Ex Parte Communication** means direct or indirect communication between a member of a public body and any party, party's representative, party's counsel or any person interested in the



outcome of a quasi-judicial proceeding, that occurs outside the proceeding and concerns the substance or merits of the proceeding.

D. **Official act or action** means any legislative, administrative, or quasi-judicial act performed by any public officer while acting on behalf of the municipality.

E. **Public body** means any board, council, commission, or committee of the municipality.

F. **Public interest** means an interest of the community as a whole, conferred generally upon all residents of the municipality.

G. **Public officer** means a person elected or statutorily-appointed to perform executive, administrative, legislative, or quasi-judicial functions for the municipality. This includes appointees by the Council to Boards, Committees, or Commissions. This term does not include any municipal employee.

H. **Quasi-judicial proceeding** means a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunities to present evidence and to cross-examine witnesses presented by other parties, and which results in a written decision that is appealable by a party to a higher authority.

Article 5. Prohibited Conduct.

- A. A public officer shall not participate in any official action if he or she has a conflict of interest in the matter under consideration.
- B. A public officer shall not personally – or through any member of his or her household, business associate, employer or employee – represent, appear for, or negotiate in a private capacity on behalf of any person or organization in a cause, proceeding, application, or other matter pending before the public body in which the public officer holds office.
- C. A public officer shall not accept gifts or other offerings for personal gain by virtue of his or her public office that are not available to the public in general.
- D. A public officer shall not use resources unavailable to the general public – including but not limited to municipal staff time, equipment, supplies, or facilities – for private gain or personal purposes.

Article 6. Disclosure. A public officer who has reason to believe that he or she has or may have an actual or perceived conflict of interest in a particular matter shall, prior to participating in any official action on the matter, publicly disclose at a public meeting or public hearing that he or she has an actual or perceived conflict of interest in the matter under consideration and disclose the



nature of the actual or perceived conflict of interest. Alternatively, a public officer may request that another public officer recuse him or herself from a matter due to an actual or perceived conflict of interest.

Article 7. Consideration of Recusal. Once there has been a disclosure of an actual or perceived conflict of interest, other public officers may be afforded an opportunity to ask questions or make comments about the situation. If a previously unknown conflict is disclosed or discovered during a meeting or hearing conducted by a public body of the municipality, the public body may take evidence pertaining to the conflict and, may in accordance with 1 V.S.A. §§ 313, adjourn to an executive session to address the conflict.

Article 8. Recusal.

- A. Recusal of Elected Officers.** After taking the actions listed in Articles 6 and 7, an elected public officer should declare whether he or she will recuse him or herself and explain the basis for that decision. If the public officer has an actual or perceived conflict of interest but believes that he or she is able to act fairly, objectively, and in the public interest, in spite of the conflict, he or she shall state why he or she believes that he or she is able to act in the matter fairly, objectively, and in the public interest. As each member of the public body is independently elected and answers only to the voters, the remaining members of the body may not force recusal. They may only express their opinion about the subject and/or privately or publicly admonish a fellow member who fails to handle conflicts appropriately.
- B. Recusal of Appointed Officers.** The failure of an appointed public officer to recuse himself or herself in spite of an actual or perceived conflict of interest may be grounds for discipline or removal from office. Certain appointed officials may only be removed for cause and after being afforded with procedural due process protections including notice and a reasonable opportunity to be heard as outlined in the municipal charter, if such provisions are applicable.

Article 9. Post-Recusal Procedure.

- A.** A public officer who has recused himself or herself from serving on a public body in a particular proceeding shall not sit with the public body, deliberate with the public body, or participate in that proceeding as a member of the public body in any capacity, though such member may still participate as a member of the public.
- B.** The public body may adjourn the proceedings to a time certain if, after a recusal, it may not be possible to take action through the concurrence of a majority of the total membership of the public body. The public body may then resume the proceeding with sufficient members present.




Article 10. Enforcement.

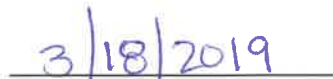
- A. Enforcement Against Elected Officers; Progressive Consequences for Failure to Follow the Conflict of Interest Procedures.** In cases where an elected public officer has engaged in any of the prohibited conduct listed in Article 5, or has not followed the conflict of interest procedures in Articles 6 through 9, the Winooski City Council may take progressive action to discipline such elected officer as follows:
- a. The Mayor may meet informally with the public officer to discuss the possible conflict of interest violation.
 - b. The Winooski City Council may meet to discuss the conduct of the public officer. Executive session may be used for such discussion in accordance with 1 V.S.A. § 313(a)(4). The public officer may request that this meeting occur in public. The Winooski City Council may admonish the offending public officer in private.
 - c. If the Winooski City Council decides that further action is warranted, the Winooski City Council may admonish the offending public officer at an open meeting and reflect this action in the minutes of the meeting. The public officer shall be given the opportunity to respond to the admonishment.
 - d. Upon majority vote in an open meeting, the Winooski City Council may request (but not order) that the offending public officer resign from his or her office.
- B. Enforcement Against Appointed Officers.** The Winooski City Council may choose to follow any of the steps articulated in Article 10A. In addition to or in lieu of any of those steps, the Winooski City Council may choose to remove an appointed officer from office, subject to state law, the Winooski City Charter, and any applicable policies.

Article 11. Exception. The recusal provisions of Article 8 shall not apply if the Winooski City Council determines that an emergency exists and that actions of the public body otherwise could not take place. In such a case, a public officer who has reason to believe he or she has a conflict of interest shall disclose such conflict as provided in Article 6.

Article 12. Effective Date. This policy shall become effective immediately upon its adoption by the Winooski City Council.

Submitted by:


Jessie Baker, City Manager


Date



City of Winooski
Vermont's Opportunity City

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Winooski, Vermont 05404
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Approved by:

City Council



Mayor Lott

Councilor Colston



Councilor Colston

Councilor Duncan



Councilor Duncan

Councilor Lafayette




Councilor Lafayette

Councilor Myers



Councilor Myers

Attest:



Carol J Barrett, City Clerk



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FREQUENTLY ASKED QUESTIONS ABOUT VERMONT'S OPEN MEETING LAW

THE LAW

1. What is the Open Meeting Law?

The Open Meeting Law provides that “[a]ll meetings of a public body are declared to be open to the public at all times, except as provided in section 313 of this title [on executive sessions].” 1 V.S.A. § 312(a). The intent of the law is to create transparency in government by requiring advance public notice and an opportunity for public participation in governmental decisions. The law is found in 1 V.S.A. §§ 310-314.

2. What are the requirements of the Open Meeting Law?

- a. Provide advance notice of meetings. 1 V.S.A. §§ 312(c), 310(4);
- b. Create and post an agenda for all regular and special meetings. 1 V.S.A. § 312(d);
- c. Conduct all business in an open meeting (unless an exemption applies). 1 V.S.A. §§ 312(a); 313(a);
- d. Vote by roll call when there is electronic participation. 1 V.S.A. § 312(a)(2)(B);
- e. Allow public comment at meetings. 1 V.S.A. § 312(h);
- f. Take and post minutes. 1 V.S.A. § 312(b); and
- g. Respond to complaints of violation. 1 V.S.A. § 314(b)(2).

3. To whom does the law apply?

The law applies to every “public body” of a municipality. **A public body is any board, council, commission, committee, or subcommittee of a municipality.** 1 V.S.A. § 310(3). This includes bodies that are specifically mentioned in state statute and municipal charter such as selectboards, prudential committees, planning commissions, conservation commissions, cemetery commissions, development review boards, boards of civil authority, boards of health, zoning boards of adjustment, etc. It also includes committees and subcommittees of those groups. The law does not apply to community justice boards or community justice centers. 24 V.S.A. § 1964(b).

4. When does the law apply?

The requirements of the law are triggered whenever a “quorum” of the body is “meeting.” A **quorum** is a majority of the total members of the body. Quorum is determined based on the number of positions on the body, not the number of persons occupying those positions. Therefore, quorum does not change when there is a recusal or a vacancy. **"Meeting"** is defined as a gathering of a quorum of the members of a public body for the purpose of discussing the business of the body or for the purpose of taking any action. 1 V.S.A. § 310(2).

The Law applies regardless of the physical location of the members; the members don't all have to be in the same room at the same time for it to be considered a "meeting" under the Law.

Therefore, a phone conversation between a quorum of the members is a "meeting" for purposes of the law. **Furthermore, time is not a factor.** If a conversation occurs over a period of time (for

FREQUENTLY ASKED QUESTIONS ABOUT VERMONT'S OPEN MEETING LAW

instance in a string of emails) that conversation may still amount to a "meeting" under the Law. This is why public bodies should generally avoid the use of group emails.

a. Does this mean that we can never be in the same room at the same time unless we are in a meeting?

Not necessarily. The law does not prohibit members of a public body from gathering at social functions or discussing topics that do not fall under their official duties. The Law also allows a quorum of the members of a public body to talk about routine administrative matters (such as scheduling meetings) outside of a meeting.

b. The following does not constitute a "meeting" for purposes of the law: "written correspondence or an electronic communication, including e-mail, telephone, or teleconferencing, between members of a public body for the purpose of scheduling a meeting, organizing an agenda, or distributing materials to discuss at a meeting, provided that any such correspondence or communication that results in written or recorded information shall be available for inspection and copying under the Public Records Act." 1 V.S.A. § 310(2).

5. What are the different types of meetings and why does it matter?

There are three types of meetings under the Law. The Law imposes different requirements for notices and agendas depending on the type of meeting that is being held.

- "Regular meetings" are meetings that take place at a regularly occurring, pre-arranged time and day.
- "Special meetings" are meetings that take place at any time or date outside of the "regular" meeting schedule.
- "Emergency meetings" may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body. 1 V.S.A. § 312(c)(3).

EMAIL, PHONE, AND OTHER ELECTRONIC COMMUNICATION

6. Do group emails violate the Law?

Not necessarily. Group emails may be used to schedule a meeting, create an agenda, or to distribute materials to discuss at a meeting. Group emails should never be used for discussion purposes (which is why you should avoid hitting the "Reply All" button). Emails must generally be available for copying and inspection as public records. 1 V.S.A. § 310(2).

In addition, email may be used in instances where a public body is engaged in a quasi-judicial deliberation – for instance, when a development review board is in the midst of drafting the written decision on a permit application. 1 V.S.A. § 312(e). Before taking advantage of this exception to the Law, the public body must have conducted a quasi-judicial hearing in public

FREQUENTLY ASKED QUESTIONS ABOUT VERMONT'S OPEN MEETING LAW

session, and then entered into deliberative session to discuss the evidence and decide how to proceed. (See #20-21.)

7. If a member is unable to attend a meeting, can that person vote by email or proxy?

No, the law does not allow for voting by email or by proxy. However, the law allows members to attend a meeting by electronic means (e.g., speaker phone or Skype), and to vote at that meeting, so long as the other requirements of the Open Meeting Law are adhered to (see #8, below). 1 V.S.A. § 312(a)(2).

8. Can a member attend a meeting by phone or Skype?

Yes, a member may participate and vote at a meeting by electronic means (e.g., speaker phone, Skype, etc.) as long as that member identifies himself or herself when the meeting is convened, and the member is able to hear and be heard throughout the meeting. Whenever one or more members attend electronically, voting must be done by roll call for any vote that is not unanimous. 1 V.S.A. § 312(a)(2).

a. What if a majority of members are not able to be physically present? Can they still have a meeting?

Yes. A quorum or more members of a public body may participate in a meeting electronically when the agenda that has been posted for such meeting designates at least one physical location where a member of the public can attend and participate in the meeting. At least one member of the body or at least one staff person or other designee must be present at that physical location. Each member that attends electronically must identify himself or herself when the meeting is convened, and must be able to hear and be heard throughout the meeting. Any voting that occurs at the meeting that is not unanimous must be done by roll call. 1 V.S.A. § 312(a)(2).

AGENDAS

9. Does the law require an agenda for every meeting?

A written agenda must be created in advance of every regular or special meeting. 1 V.S.A. § 312(d). There is no requirement for an agenda for an emergency meeting.

10. Do we have to post the agenda?

Yes. At least 48 hours in advance of a regular meeting, and at least 24 hours in advance of a special meeting, an agenda must be posted in or near the municipal office and in at least two other designated public places in the municipality. 1 V.S.A. § 312(d). If it has not already done so, every municipality should officially designate two or more public places in the municipality at which agendas will be posted. Our opinion is that the legislative body can make this designation on behalf of all of the public bodies in the municipality, unless those bodies are independently-elected. In

FREQUENTLY ASKED QUESTIONS ABOUT VERMONT'S OPEN MEETING LAW

addition, agendas for regular and special meetings must be posted to an official website, if one exists that is maintained or has been designated as the official website of the public body. 1 V.S.A. § 312(d).

11. What must be contained in an agenda?

The Open Meeting Law does not contain a definition of "agenda." That being said, it is clear from the intent of the Law that an agenda must be drafted so that it provides actual notice of the specific topics to be addressed and the actions that may be taken at that meeting. An agenda should include specific topics such as "proposed contract with ambulance service," or "discussion of speed limit on town highway 7" rather than general terms such as "contract," or "speed limits" which do not provide notice to the public about what will be discussed and decided.

12. Can we add items to an agenda after it is posted?

A public body may table or otherwise postpone an item on their meeting agenda when necessary, as in situations where additional information is needed before a decision may be made. Other adjustments to an agenda such as changing the order of items may be made at any time during the meeting. 1 V.S.A. § 312(d)(3)(B).

There are more stringent standards for adding items to an agenda. The Law was amended in 2014 to state that an item may only be added or removed from a meeting agenda as the first order of business at that meeting. 1 V.S.A. § 312(d)(3)(A). Our opinion is that the language in 1 V.S.A. § 312(d)(3)(A) does not give a public body free reign to alter a meeting agenda at the last minute. Instead, our advice is that once the deadline for posting an agenda has passed (48 hours in advance of a regular meeting and 24 hours in advance of a special meeting) **items should only be added to that agenda when necessary to deal with an unforeseen occurrence or condition requiring immediate action.** In all other cases, an item that has not been listed on a posted agenda should not be discussed as a last-minute addition. Instead, the body should place the item on the agenda of their next regular meeting or, if necessary, call a duly-noticed special meeting to address that item. Taking this approach will assure that the public has adequate advance notice and an opportunity to be heard on all topics to be discussed and decided by the public body.

POSTING, NOTICING, AND ANNOUNCING MEETINGS

13. What are the requirements for noticing and announcing a meeting?

Regular meetings of a public body (i.e. meetings that occur at a regular date, time, and place) only need to be announced once: in a charter, local ordinance, or resolution. 1 V.S.A. § 312(c)(1). A resolution regarding the regular meeting schedule can be done in the public body's annual organizational meeting (first meeting of the year). However, an agenda must be posted in advance of every regular meeting. 1 V.S.A. § 312(d). (See #9 and 10.)

FREQUENTLY ASKED QUESTIONS ABOUT VERMONT'S OPEN MEETING LAW

Special meetings (meetings that occur outside of the regular schedule) must be publicly announced at least 24 hours in advance. 1 V.S.A. § 312(c)(2). A meeting is "publicly announced" when notice is given either orally or in writing to all the members of the public body; to an editor, publisher, or news director of a newspaper or radio station serving the area; and to any person who has requested notice of such meetings. 1 V.S.A. § 310(4). In addition, notices and agendas must be posted at the municipal clerk's office and in at least two other designated public places in the municipality at least 24 hours in advance. 1 V.S.A. § 312(c)(2).

Emergency meetings There is no specific requirement for announcing and posting notice for emergency meetings (which are held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body) although "some public notice must be given as soon as possible before any such meeting." 1 V.S.A. § 312(c)(3).

MEETING MINUTES

14. Do we have to take minutes at every meeting and provide them to the public? Who is responsible?

Yes. Minutes must be taken at every public meeting. Minutes need not be taken in executive session, but if they are, they are not subject to a public records request. 1 V.S.A. § 313(a). Each public body is responsible for creating its own minutes. Minutes must be kept by the secretary or clerk of the public body (which may or may not be the municipal clerk). 1 V.S.A. § 312(b)(1).

15. What must be included in the minutes?

Meeting minutes do not have to be a transcript of the meeting. Minutes must give a "true indication of the business of the meeting" - which may require supplementing the following statutorily-required elements: members present; active participants at the meeting; motions, proposals, and resolutions made, offered, and considered and what disposition is made of the same; the result of any votes taken; and a record of individual votes if a roll call is taken. 1 V.S.A. § 312(b)(1).

16. When must minutes be available/posted?

Minutes must be available for inspection five calendar days after the meeting. 1 V.S.A. § 312(b)(2). In addition, minutes must be posted no later than five calendar days after the meeting to an official website, if one exists, that is maintained or has been designated as the official website of the public body. 1 V.S.A. § 312(b)(2). Except for draft minutes that have been substituted with updated minutes, posted minutes shall not be removed from the website sooner than one year from the date of the meeting for which the minutes were taken. 1 V.S.A. § 312(b)(2).

FREQUENTLY ASKED QUESTIONS ABOUT VERMONT'S OPEN MEETING LAW

a. How can we have time to approve or finalize the minutes if they have to be available within 5 days?

There is nothing in the Open Meeting Law that requires any official finalization, correction, or approval action by the public body. Since there is no law on the subject it is up to each public body to decide whether and how it will deal with corrections, approvals, etc. Many public bodies make it a practice to create a set of minutes labeled "draft" or "unapproved" and subsequently correct and "approve" those minutes at a subsequent meeting. This is done as an acknowledgement that the body has read the draft minutes and agree that they accurately reflect what took place at the meeting.

EXCEPTIONS TO THE OPEN MEETING LAW

17. In what instances can a public body meet in private?

There are limited instances in which a public body can meet in private. These instances are described in the exceptions to the Open Meeting Law which are as follows:

- Site inspections for the purpose of assessing damage or making tax assessments or abatements. 1 V.S.A. § 312(g);
- Clerical Work. 1 V.S.A. § 312(g);
- Work Assignments of staff or other personnel. 1 V.S.A. § 312(g);
- Routine, day-to-day administrative matters that do not require action by the public body, provided that no money is appropriated, expended, or encumbered. 1 V.S.A. § 310(2);
- Deliberative sessions within the context of a quasi-judicial proceeding. 1 V.S.A. § 312(e); and
- Executive sessions. 1 V.S.A. § 312(a).

18. Is there an exception for "work sessions"?

No. The only exceptions to the law are those that are listed in #17, above.

19. What falls under the exception for "routine administrative matters"?

This exception is mainly only used by the town listers and auditors who engage in routine administrative matters when they update listers cards, examine the treasurer's spread sheets, etc. On the other hand, this exception does not apply to the actions taken by the listers and auditors that are specifically required by statute (such as lodging the grand list, making decisions about the annual auditors' report, etc.) therefore, such actions may only be taken in the context of a duly-warned open public meeting that meets all of the requirements of the Open Meeting Law.

20. What is a "deliberative session"?

A deliberative session occurs only in conjunction with a quasi-judicial proceeding. These are situations where a public body (such as a selectboard or development review board) is acting like a judge or jury in that it takes evidence or testimony, and then weighs, examines, and discusses the

FREQUENTLY ASKED QUESTIONS ABOUT VERMONT'S OPEN MEETING LAW

reasons for or against an act or decision based on that evidence. 1 V.S.A. § 310(5). Examples include tax appeal hearings before the board of civil authority; vicious dog hearings and employment termination hearings before the selectboard; and zoning and subdivision hearings before a planning commission, zoning board of adjustment, or development review board. The exception for deliberative session is limited to quasi-judicial proceedings and does not apply simply because the public body wants time to deliberate in private.

21. Do we have to come out of deliberative session to issue or adopt a decision?

Generally, no. The law allows a public body to make a decision in deliberative session so long as the decision is issued in writing and the writing is a public record. 1 V.S.A. § 312(f). This means that after the public body has heard all of the evidence in a hearing, it may adjourn the public portion of the hearing, privately discuss and determine the merits of the case, and then circulate drafts of an opinion for comment and approval prior to issuing its formal written decision.

22. What about executive session? When can we use that exception?

Rarely. An executive session is a closed portion of a public meeting and is allowed only in certain limited situations. Those that apply to municipal bodies are as follows:

- a. Negotiating or securing real estate purchase or lease options. 1 V.S.A. § 313(a)(2)
- b. The appointment or employment or evaluation of a public officer or employee (**but** the public body must make a final decision to hire or appoint in an open meeting **and** it must explain the reasons for its final decision). 1 V.S.A. § 313(a)(3)
- c. A disciplinary or dismissal action against a public officer or employee (**but** such officer or employee has the right to a public hearing if formal charges are brought). 1 V.S.A. § 313(a)(4)
- d. A clear and imminent peril to the public safety. 1 V.S.A. § 313(a)(5)
- e. Discussion or consideration of records or documents that are exempt from the public records laws (**but** that does not give authority to discuss the general subject to which the document pertains). 1 V.S.A. § 313(a)(6)
- f. Municipal or school security or emergency response measures, the disclosure of which could jeopardize public safety. 1 V.S.A. § 313(a)(10)
- g. When (and only when) the public body has made a specific finding that premature general public knowledge (see #23) would clearly place the state, municipality, other public body, or a person involved at a substantial disadvantage, it may go into executive session to discuss one of the following:

FREQUENTLY ASKED QUESTIONS ABOUT VERMONT'S OPEN MEETING LAW

- contracts;
- labor relations agreements with employees;
- arbitration or mediation;
- grievances, other than tax grievances;
- pending or probable civil litigation or a prosecution, to which the public body is or may be a party; or
- confidential attorney-client communications made for the purpose of providing professional legal services to the body. 1 V.S.A. § 313(a)(1)

23. What is “premature general public knowledge” and how could that place someone at a substantial disadvantage?

In order to go into executive session to discuss one of the subjects listed in 1 V.S.A. § 313(a)(1), there must be a reason that the subject cannot be discussed in open session at that time. For instance, if the municipality is in the midst of a contract negotiation, the selectboard would not want to discuss its proposed terms as that would give the other side an advantage at the bargaining table. In that instance, premature public knowledge of the subject would place the municipality at a substantial disadvantage.

24. When can we enter into executive session to discuss legal matters?

The Law sets out two reasons to discuss legal issues in executive session once there has been a finding that premature general public knowledge would place a person or entity at a substantial disadvantage. First, you may discuss “pending or probable civil litigation or a prosecution, to which the public body may be a party.” Second, you may discuss “confidential attorney-client communications made for the purpose of providing professional legal services to the body.” 1 V.S.A. §§ 313(a)(1)(E) and (F). In addition, the law allows a public body to have its attorney, among others, present during executive sessions. 1 V.S.A. § 313(b) (“Attendance in executive session shall be limited to members of the public body, and, in the discretion of the public body, its staff, clerical assistants and legal counsel, and persons who are subjects of the discussion or whose information is needed.”) In addition to the above, the Law also allows a public body to discuss correspondence from the municipal attorney under 1 V.S.A. 317(c)(4). This provision of law exempts from the general rule of disclosure “records which, if made public ... would cause the custodian to violate any statutory or common law privilege.” The attorney-client privilege falls within this exemption.

25. What are the logistics of entering into executive session?

A motion to go into executive session must be made during the open portion of a meeting and must indicate the nature of the business to be discussed. 1 V.S.A. §§ 313(a). We recommend that you state the specific statutory provision that gives authority to enter into such session (“Title 1, Section 313, Subsection ____ of the Vermont Statutes”). We also recommend that you provide in your motion as much information as you can, without giving away the details that necessitate the

FREQUENTLY ASKED QUESTIONS ABOUT VERMONT'S OPEN MEETING LAW

executive session. The motion must get the vote of a majority of the members present to pass. 1 V.S.A. §§ 313(a).

26. How do we make a motion to enter into executive session?

The contents of the motion to enter into executive session depend on the reason for entering that executive session. To enter into executive session for the reasons noted in 1 V.S.A. §§ 313(a)(2)-(a)(10) (listed in #22, parts a-f), the motion merely needs to identify the topic of discussion and the specific statutory provision that gives authority to enter into such session. We also recommend that you provide in your motion sufficient information without giving away the details that necessitate the executive session. For instance: "Because it is time for our annual evaluation of the town manager, I move that we go into executive session to discuss the evaluation of a public officer or employee under the provisions of Title 1, Section 313(a)(3) of the Vermont Statutes."

To enter into executive session for the reasons noted in 1 V.S.A. §§ 313(a)(1) (listed in #22, part g), you must make a finding that premature general public knowledge would place the public body or a person involved at a substantial disadvantage. 1 V.S.A. §§ 313(a)(1). Therefore, we recommend that you make **two separate motions**:

The **first motion** is to find that premature public discussion of the subject would cause the municipality or a person to suffer a substantial disadvantage. For instance, in the case of a contract under negotiation, the motion might be:

"I move to find that premature general public knowledge regarding the town's contract with ABC Company would clearly place the town at a substantial disadvantage, because the selectboard risks disclosing its negotiation strategy if it discusses the proposed contract terms in public."

In this hypothetical situation, the "substantial disadvantage" is the risk of losing the competitive edge in the negotiations by talking about the specific contract terms in public. For instance, once ABC Company hears the selectboard talk about the maximum price it can afford to pay, ABC Company may refuse to take anything less than that amount.

The **second motion** follows from the first and should recite the specific statutory provision that gives authority to enter into such session. For instance:

"I move that we enter into executive session to discuss the town's contract with ABC Company under the provisions of Title 1, Section 313(a)(1)(A) of the Vermont Statutes."

It is important that the minutes show that there was a careful analysis of the need to enter into executive session before the first motion was made. The Vermont Supreme Court has stated:

FREQUENTLY ASKED QUESTIONS ABOUT VERMONT'S OPEN MEETING LAW

It is not unworkable for a public body to make a careful analysis of need before deciding to go into executive session. In fact, in the absence of a case-by-case determination, the legislative policy of openness would be frustrated by the impossibility of describing in categorical terms, without being over-inclusive, the permissible subjects of executive sessions. The exercise of judgment is inevitable.

Trombley v. Bellows Falls Union High School Dist. No. 27, 160 Vt. 101, (1993). Given the Court's opinion in *Trombley*, the first motion described above should only be made after a discussion (careful analysis) in general terms (otherwise the purpose of entering executive session would be defeated) of why "premature general public knowledge would clearly place the public body, or a person involved at a substantial disadvantage."

VIOLATIONS OF THE OPEN MEETING LAW

27. What are the consequences of violating the Law?

Either the Attorney General or "any person aggrieved by a violation of the law" can bring an action in Superior Court for injunctive relief or declaratory judgment. Prior to instituting such action, the Attorney General or person must provide the public body with written notice of the alleged violation and an opportunity to "cure" that violation. (See #_29.)

In addition, a person who knowingly and willfully violates the Open Meeting Law, or who knowingly and willfully violates the Open Meeting Law on behalf of or at the behest of a public body, or who knowingly and intentionally participates in the wrongful exclusion of any person or persons from any relevant meeting may be guilty of a misdemeanor, punishable with a fine up to \$500. 1 V.S.A. § 314(a).

28. What must the public body do if it receives written notice of an alleged violation of the Law?

Immediately contact your town attorney or the Municipal Assistance Center! A public body must respond publicly within ten calendar days after receiving written notice alleging a violation. Logistically, this means that it must immediately call a special meeting if a regularly-scheduled meeting does not fall within this timeframe and provide adequate notice and warning of that meeting, including an agenda. During the meeting, the body should publicly discuss the situation and determine whether there was an **inadvertent** violation of the law. Based on this determination, it should issue a statement that either denies the allegation and states that no cure is necessary, or acknowledges that there was an **inadvertent** violation that will be cured within 14 calendar days. The public body should **not** publicly acknowledge a violation that is anything other than "inadvertent" without specific legal advice to do so. Failure to respond to the allegation within ten calendar days is treated as a denial. 1 V.S.A. § 314(b). In the event that the public body is sued

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for a violation of the law the court will assess attorneys' fees and costs based in part on whether there was a timely response to a notice of violation. 1 V.S.A. § 314(d).

29. Can someone sue the municipality for a violation of the law?

Yes, but that person must first give the public body a chance to respond to the allegation of violation. After the public body issues an acknowledgement or denial of the alleged violation, and after allowing 14 calendar days for the body to cure the violation, either the Attorney General or any person aggrieved by the alleged violation may bring suit against the public body in Superior Court. Such a suit must be brought within one year from the date of the alleged violation. 1 V.S.A. § 314(a).

30. Is the public body liable for attorneys' fees if it is sued for a violation of the law?

The law is unclear on this point. It states that a public body is not liable for attorneys' fees arising from litigation over an inadvertent violation of the law that is cured by the public body. 1 V.S.A. § 314(b)(1). However, the law also allows a court to assess attorneys' fees against a public body found to have violated the law. Before making this assessment, however, the court must consider whether the public body had a reasonable basis in fact and law for its position and that it acted in good faith, which includes responding to the notice of violation in a timely manner. 1 V.S.A. § 314(d).

31. When does the clock start ticking? When has the public body "received" an allegation of violation?

Receipt of a complaint or allegation starts the ten calendar day timeline for response. Unfortunately, the statute does not define when the "receipt" takes place. We therefore advise that you take the most conservative approach and consider that the public body has received an allegation when any member of the public body, or any municipal official who acts in an administrative capacity for the public body, receives a written complaint or allegation of violation. At that point, the public body has ten calendar days in which to respond.

32. How does the public body "cure" an inadvertent violation?

An inadvertent violation must be cured within 14 calendar days after a public body acknowledges an inadvertent violation. A inadvertent violation is cured when the public body either ratifies or declares as void, any action taken at or resulting from a meeting that was not noticed in accordance with the Law; or a meeting that a person or the public was wrongfully excluded from attending; or an executive session or portion thereof that was not authorized under the Law. The public body must also adopt specific measures to prevent future violations of the law. 1 V.S.A. § 314(b)(4). Such measures should be geared toward addressing the particular violation and might include, for example, training regarding the requirements of the Open Meeting Law, or implementation of internal procedures to assist the public body in future Open Meeting Law

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compliance, such as VLCT's "Revised Model Rules of Procedure," which are available on our website (www.vlct.org).

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